

LAW AND THE ART WORLD

Loose ends: From dyed agate to the giclee hype

By Bill Frazier ©2012

In past issues I have written several times about the Indian Arts and Crafts Act and the abuses and fakes against which it was designed to protect consumers. This is of special interest to me and I am always on the look out for violations.

Most recently, I saw what appeared to be turquoise jewelry pieces but they just did not look quite right. After questions to and discussion with the seller, who was not an Indian, it was revealed that the “turquoise” was in fact dyed agate. From the display, the customer was to infer that the stuff was turquoise, but would be informed truthfully if the right questions were asked.

My question is this: with all of the good quality turquoise stones and jewelry on the market, why dye agate or some other stone, for example, “purple turquoise” as discussed in a previous article? Is turquoise-colored turquoise no longer good enough?! Always, buyer beware.

This particular dyed agate (fake turquoise) apparently came, ironically enough, from Turkey, the namesake of turquoise. If your intent is to be buying turquoise or other Indian-made jewelry, stick with reliable and reputable dealers and galleries. Watch out for mall kiosks and things you might find in art-in-the-park events and similar venues. I would also watch out for stores that sell “Indian”-made jewelry for 50 percent off 365 days of the year.

I continue to be amused with the ingenuity displayed in the marketing of prints and specifically limited edition prints. Over the years I have noted the variety of limited edition prints offered in order to expand an edition and have now learned of a new one, the presentation-edition print, available for only \$25 more than the regular one.

And the giclee hype continues. Giclees are the current state of the art in print reproduction. They are not originals and they are not worth as much as originals.

No copying allowed

I do not know where some of the stuff I hear comes from. The ubiquitous copying formula has appeared again. Every time I teach a seminar someone informs me that his or her agent, mentor, advisor, art teacher or whom-ever has advised that a certain percentage of

another’s work can be copied without worry. Another variation is that they may copy all they want to so long as they give some form of attribution, for example, “after Frederic Remington.” Or, they can copy in watercolor what they have seen before in oil. NO, NO, and NO.

I do not care what your art teacher or agent says. There is no formula governing how much you may copy of someone else’s artwork. The next question is why are you worrying about copying someone else’s work, anyway? You may not copy and simply give a credit or attribution and expect to walk away from the responsibility of copyright infringement of another artist’s work.

An artist may not copy in one medium the work of another artist in another medium. In other words, the artist may not copy an oil painting by re-doing it in watercolor or acrylic. The image is still the same and the image is what is protected by copyright.

Virtually all artists get inspiration and ideas from looking at other artists’ work. This has been the case throughout history. What is prohibited is copying. That is why we have copyright protection and copyright infringement cases. The intent is to protect original work and the artist’s creativity.

The artist as businessperson

At a recent social function with a number of artsy people, I met two arts education administrators at the university level. One had a background totally in the arts, an art degree, an art career and was head of an art department. The other was educated as a lawyer but had come up through the education ranks and was now the head of a university arts program.

We hit it off, got to talking and I explained my interest in the arts from the legal and business standpoint. I explained what I thought was the value of some business and legal education benefiting the professional artist, and that I viewed the professional artist as a businessperson competing with others in the marketplace.

The lawyer administrator totally got it and wanted to introduce such thinking and coursework into her art school. The art administrator saw no value in offering such information in her courses, having never thought about



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life after art school. She felt that such training would interfere with the students’ artistic concentration.

There are so many issues for an artist to consider after art school, for example, how to enter the job market, how to market work to galleries, how to protect the intellectual property embodied by the artwork, how to price artwork, how to network with other artists, as well as internet presence and marketing, accounting decisions, business structures and so on. Once you learn the mechanics of art, what do you do with it, how do you develop your artistic talent and training into a career?

Waiting for a check

A few artists are still telling me that they must wait 30 to 45 days, or even longer, to receive payment after the sale of their work in a gallery. This is not acceptable and the artist should insist on faster payment. The longer the artist has to wait, the less the likelihood of even being paid.

Galleries, there is no legitimate reason to require the artist to wait that long for payment. There are many old gallery representation agreements out there with such provisions, but that is no longer an acceptable practice. Presumably, this is a holdover from the days of long check-clearing times.

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Encouraging ethical practices

Many donors won’t make contributions unless a nonprofit meets joint standards set by the Council of Better Business Bureaus and the National Charities Information Bureau.

Honoring privacy

To gain its seal of approval, the Wise Giving Alliance requires charities to protect privacy by providing in written appeals (at least once a year) a way for new and continuing donors to choose to keep their name and address confidential. For example, there should be a check box allowing them to remain anonymous.

In addition, endorsed charities must provide a clear, easy-to-find privacy policy on all websites that explains:

- What information is being collected about them and how it will be used;
- How to review personal information and request corrections;
- How website visitors can inform the charity if they don’t want their personal information shared outside the organization; and
- What security measures the charity uses to protect personal information.

For more information, call the Wise Giving Alliance, 800-575-4483.

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Tech Talk: Setting up a WordPress website, part II

In the last issue, I covered the steps of signing up for an account at WordPress.com in order to start a free website for yourself or your arts organization.

Once you’ve registered a site name with your email at Wordpress.com and made a few choices about upgrades (none of which are required; using WordPress.com can still be completely free), you’ll be asked for a “tagline” for your site. Enter one – such as the full name of your arts organization, or a description of your arts business – but again, you can easily change this later.

The next screen is where you choose a theme, or design, for your site. You’ll see a half dozen or so choices, and some may look good right away. But it’s important to remember you can always change the design later without having to change everything you have entered on your pages.

So choose a theme that looks OK for now, because you can browse through hundreds later on.

The most popular and simplest themes are the WordPress defaults, such as the “twenty-something” series, like twentyten, twentyeleven, etc. With some theme choic-

es, you’ll be given the option to start customizing the theme right away, but you should click through that screen and finish setting up the site first. You can always go back, and it makes sense to customize after you get some of your page content in the site.

The next step will take you to what’s called the “Dashboard” of your WordPress.com site. This is where all the site administration takes place: your posts and pages, your widgets, the site users, and everything else.

You can click on the name of your site in the upper left-hand corner to go to the site itself, but check out the Dashboard first and try out each link. When logged in and viewing the actual site, there will be an “Admin Bar” across the top that only you will see.

It’s easy to point and click, and explore and build out your site. The online forums at en.forums.wordpress.com also offer a lot of



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help and step-by-step guidelines.

WordPress will handle many of your website needs. But if you find you need more capabilities than WordPress.com offers – such as e-commerce, the need to place ads on your site, use an original design, or add custom functions for special business needs – you can still use WordPress.

The only difference is you take a copy of the same WordPress software and put it on your own web server, and

then you have much more control and more available options. That’s not too complicated, and it’s cheap at around \$80-\$100 a year for the web hosting. Using your own web host will give you many more choices and possibilities for a full-fledged web presence.

There are more than 40 million people using WordPress right now, so you won’t be alone and it will be easy to find help with what you want to do with your site.